



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN  
CHAIR & PRESIDING OFFICER  
IKAIKA ANDERSON  
VICE CHAIR  
RON MENOR  
FLOOR LEADER  
BRANDON J. C. ELEFANTE  
CAROL FUKUNAGA  
ANN H. KOBAYASHI  
JOEY MANAHAN  
TREVOR OZAWA  
KYMBERLY MARCOS PINE

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## JOURNAL

REGULAR MEETING  
30TH SESSION  
WEDNESDAY, NOVEMBER 2, 2016

CITY COUNCIL CHAMBER  
3<sup>RD</sup> FLOOR, HONOLULU HALE  
HONOLULU, HAWAII 96813

*Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.*

### CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ernest Y. Martin, at 10:43 a.m.

### ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Elefante, Fukunaga, Kobayashi, Manahan, Menor, Ozawa, Pine, Martin – 9.

### INTRODUCTION OF GUESTS

There were no guests.

### **APPROVAL OF MINUTES**

Councilmember Anderson moved that the Minutes of the 29th Session (October 5, 2016) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Menor.

AYES:           ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                    OZAWA, PINE, MARTIN – 9.  
NOES:           None.

### **ORDER OF THE DAY**

#### **PUBLIC HEARING/RESOLUTION** **RESOLUTION 16-277**

RESOLUTION RELATING TO THE APPOINTMENT OF STEVEN H. LEVINSON TO SERVE ON THE POLICE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

There was no public testimony.

Mr. Levinson expressed his honor for being nominated to the Honolulu Police Commission and for being given the opportunity to serve the community. He looks forward to serving on the Commission.

Council Chair Martin referred Resolution 16-277 to the Committee on Public Health, Safety and Welfare.

AYES:           ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                    OZAWA, PINE, MARTIN – 9.  
NOES:           None.

#### **ADOPTION** **RESOLUTION 16-229, CD1 – COMMITTEE REPORT 317**

RESOLUTION RELATING TO THE REAPPOINTMENT OF JERALD K. DOLAK TO SERVE ON THE CITIZENS ADVISORY COMMISSION ON CIVIL DEFENSE OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Elefante moved that Committee Report 317 and Resolution 16-229, CD1 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Councilmember Elefante spoke in support of the measure and stated that Mr. Dolak will continue to serve the Commission and the City well.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest Statement (CC-228) with the City Clerk's Office.

Committee Report 317 and Resolution 16-229, CD1 were adopted.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

Council Chair Martin recognized and congratulated Mr. Dolak on his reappointment.

#### **ADOPTION**

#### **RESOLUTION 16-260, CD1 – COMMITTEE REPORT 320**

RESOLUTION RELATING TO THE APPOINTMENT OF STEPHEN F. MECHLER TO SERVE ON THE COMMISSION ON CULTURE AND THE ARTS OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Pine moved that Committee Report 320 and Resolution 16-260, CD1 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 320 and Resolution 16-260, CD1 were adopted.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

Council Chair Martin recognized and congratulated Mr. Mechler, who thanked the Council and gratefully accepted the position.

**PUBLIC HEARING/SECOND READING**  
**BILL 61, CD1 – COMMITTEE REPORT 327**

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kobayashi moved that Committee Report 327 be adopted and Bill 61 pass second reading, as amended to CD1. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 327 was adopted and Bill 61, CD1 passed second reading.

AYES:           ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                    OZAWA, PINE, MARTIN – 9.  
NOES:           None.

**PUBLIC HEARING/SECOND READING**  
**BILL 58 – COMMITTEE REPORT 326**

A BILL FOR AN ORDINANCE RELATING TO THE HOUSING DEVELOPMENT SPECIAL FUND.

Councilmember Kobayashi moved that Committee Report 326 be adopted and Bill 58 pass second reading. Seconded by Councilmember Manahan.

The following individuals provided comments:

1.     Kevin Carney, EAH Housing
2.     Catherine Graham, Faith Action for Community Equity
3.     Roy Nakamura

In response to questions from Councilmember Elefante regarding the current expenditures from the Housing Development Special Fund, Director Nelson Koyanagi, Department of Budget and Fiscal Services, provided a brief history about the Housing Development Special Fund and the City's Shared Appreciation Program. He advised that monies received from the Shared Appreciation Program are deposited into the Housing Development Special Fund and that a very minute amount of monies are paid out from the Fund because the City no longer develops housing.

Regarding the functionality of the Housing Development Special Fund with the passage of Bill 58, Director Koyanagi stated that currently there is an account within the Housing Development Special Fund that was primarily used to record the transactions of the housing developments as they occurred. Bill 58 would create another separate account within the Fund. The Director agreed with some of the testifiers that Bill 58 needs more clarity and that the City should rethink the concept of sharing the monies with the State agencies.

Committee Report 326 was adopted and Bill 58 passed second reading.

AYES:           ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                    OZAWA, PINE, MARTIN – 9.

NOES:           None.

**PUBLIC HEARING/SECOND READING**  
**BILL 62 – COMMITTEE REPORT 328**

A BILL FOR AN ORDINANCE RELATING TO THE TRANSIT IMPROVEMENT BOND FUND.

Councilmember Kobayashi moved that Committee Report 328 be adopted and Bill 62 pass second reading. Seconded by Councilmember Manahan.

The following individuals testified:

1.     Richard DeConti (opposed)
2.     Calvin Hulihee (comments)

Councilmember Kobayashi noted that the majority of the appropriations for the transit project stems from the Transit Improvement Bond Funds within both the Honolulu Authority for Rapid Transportation (HART) Capital Budget and the City's Capital Budget. She, however, pointed out that in Chapter 6, Article 65 of the Revised Ordinances of Honolulu, it stipulates that appropriations are to be made only from the City's Capital Budget. Therefore, Bill 62 was introduced to allow the \$3.8 billion in HART's Transit Improvement Bond Fund to be used for the rail project. Councilmember Kobayashi urged the members to support the measure.

Councilmember Elefante thanked Councilmember Kobayashi for introducing the measure. However, he could not support Bill 62 in its current form because of the legal concerns and the Bill's inconsistency with the Charter. He spoke in opposition to the measure.

Committee Report 328 was adopted and Bill 62 passed second reading.

AYES:        ANDERSON\*, FUKUNAGA, KOBAYASHI, MANAHAN\*, MENOR, OZAWA,  
               PINE\*, MARTIN – 8.  
NOES:        ELEFANTE – 1.

\*Councilmembers Anderson, Manahan, and Pine voted aye with reservations.

**PUBLIC HEARING/SECOND READING**  
**BILL 79 (2015), CD1 – COMMITTEE REPORT 337**

Councilmember Ozawa moved that Committee Report 337 be adopted and Bill 79 (2015) pass second reading, as amended to CD1. Seconded by Councilmember Menor.

The following individuals testified:

1.        Kela Miller (should be amended to allow for a larger sign)
2.        Micah Casey (M-2621) (supports amending to allow for a larger sign)
3.        David Betham, Courtyard Marriot Oahu North Shore (M-2622) (support)

Committee Report 337 was adopted and Bill 79 (2015), CD1 passed second reading.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
               OZAWA, PINE, MARTIN – 9.  
NOES:        None.

Related communications:

M-2623	Vincent Shigekuni
M-2624	Steve Lundgren
M-2625	R. Eric Beaver, Hawaii Reserves, Inc.
M-2626	Milton Lafitaga

**THIRD READING**

**BILL 51, CD2 – COMMITTEE REPORT 319**

A BILL FOR AN ORDINANCE RELATING TO EXCEPTIONAL TREES.

Councilmember Pine moved that Committee Report 319 be adopted and Bill 51, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 319 was adopted and Bill 51, CD2 passed third reading, as amended.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

**THIRD READING**

**BILL 53, CD2 – COMMITTEE REPORT 322**

A BILL FOR AN ORDINANCE RELATING TO INTERGOVERNMENTAL AND PRIVATE GRANT AGREEMENTS.

Councilmember Menor moved that Committee Report 322 be adopted and Bill 53, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 322 was adopted and Bill 53, CD2 passed third reading, as amended.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

Related communication:

D-728        Michael D. Formby, Honolulu Authority for Rapid Transportation

**FIRST READING**

**BILL 63**

(Budget)

A BILL FOR AN ORDINANCE RELATING TO PROPERTY TAXES.

Councilmember Anderson moved that Bill 63 pass first reading. Seconded by Councilmember Menor.

The following individual provided comments:

Roy Nakamura

Councilmember Elefante stated that he would be voting with reservations on the measure.

Councilmember Anderson remarked that Bill 63 requires the Administration to grant the real property tax compromises upon Council approval. He asked for the members support in moving the measure forward to Committee.

Bill 63 passed first reading.

AYES: ANDERSON, ELEFANTE\*, FUKUNAGA, KOBAYASHI, MANAHAN,  
MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

\*Councilmember Elefante voted aye with reservations.

**FIRST READING**

**BILL 64**

(Budget)

A BILL FOR AN ORDINANCE RELATING TO MOTOR VEHICLE REGISTRATION.

Councilmember Anderson moved that Bill 64 pass first reading. Seconded by Councilmember Menor.

The following individual testified in support:

David Rolf, Hawaii Auto Dealers Association (M-2627)



Bill 64 passed first reading.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                 OZAWA, PINE, MARTIN – 9.

NOES:        None.

**FIRST READING**

BILL 65

(Budget)

A BILL FOR AN ORDINANCE RELATING TO TAXICAB COMPANIES AND DRIVERS,  
AND PRIVATE TRANSPORTATION SERVICES COMPANIES AND DRIVERS.

Councilmember Anderson moved that Bill 65 pass first reading. Seconded by  
Councilmember Menor.

The following individuals testified:

1.     Howard Higa, TheCab (comments)
2.     Tabatha Chow, UBER (support)

Bill 65 passed first reading.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                 OZAWA, PINE, MARTIN – 9.

NOES:        None.

**FIRST READING**

BILL 66

(Budget)

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY DEDICATION FOR  
GOVERNMENT OWNED AGRICULTURAL LAND.

Councilmember Anderson moved that Bill 66 pass first reading. Seconded by  
Councilmember Menor.

The following individual provided comments:

Roy Nakamura

Bill 66 passed first reading.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
               OZAWA, PINE, MARTIN – 9.

NOES:        None.

Related communications:

M-2601        Larry Jefts, Larry Jefts Farms, LLC

M-2628        Scott E. Enright, Board of Agriculture

M-2629        James J. Nakatani, Agribusiness Development Corporation

## **FIRST READING**

### **BILL 67**

(Zoning and Planning)

A BILL FOR AN ORDINANCE RELATING TO BICYCLE FACILITIES.

Councilmember Anderson moved that Bill 67 pass first reading. Seconded by Councilmember Menor.

There was no public testimony.

Bill 67 passed first reading.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
               OZAWA, PINE, MARTIN – 9.

NOES:        None.

Related communication:

M-2630        Lawrence J. Holbrook, EA

**ADOPTION**

**RESOLUTION 16-236, CD1 – COMMITTEE REPORT 318**

RESOLUTION AUTHORIZING THE USE OF OVERT VIDEO MONITORING IN THE CITY AND COUNTY OF HONOLULU TO PREVENT AND DETER GENERAL CRIMINAL ACTIVITY AND ACHIEVE THE LEGITIMATE LAW ENFORCEMENT OBJECTIVE AND LEGITIMATE PUBLIC PURPOSE OF ENSURING A SAFE AND SECURE 2016 HONOLULU MARATHON EVENT.

Councilmember Elefante moved that Committee Report 318 and Resolution 16-236, CD1 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 318 and Resolution 16-236, CD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

D-724 Major Gordon Gomes, Honolulu Police Department

**ADOPTION**

**RESOLUTION 16-264, CD1 – COMMITTEE REPORT 321**

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FAMILY AND FRIENDS OF NOAH PŌMAIKA'I MONTEMAYOR FOR MAUNALUA BAY BEACH PARK.

Councilmember Pine moved that Committee Report 321 and Resolution 16-264, CD1 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Councilmember Ozawa spoke in support of the measure.

Committee Report 321 and Resolution 16-264, CD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-2631 Sam Aiona, Friends of the Missing Child Center-Hawaii

**ADOPTION**

COMMITTEE REPORT 323

(RESOLUTION 16-213, CD1, FD1 LAID OVER AND PUBLISHED)

RESOLUTION PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE, TO WIT: PUBLIC STREETS, SITUATE AT KAKAAKO, HONOLULU, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

The following amendment was posted on the agenda:

Resolution 16-213, CD1, Proposed FD1

The following amendment was handcarried to the meeting:

Resolution 16-213, CD1, Proposed FD1 (OCS2016-1076/11/1/2016 4:08 PM)

Councilmember Menor moved that Committee Report 323 be adopted and Resolution 16-213, CD1 be laid over and published. Seconded by Councilmember Fukunaga.

Councilmember Fukunaga moved that Resolution 16-213, CD1 be amended to the posted FD1. Seconded by Councilmember Menor. The FD1 makes the following amendments:

- A. In Section I, specifies that acquisition of the listed roads is to be limited to the privately owned portions of the roads.
- B. In Section I, changes the phrase, “empowered to institute,” to “encouraged to start.”

C. In Section III, replaced the list with the following:

1. Land surveys of the subject properties,
2. Land survey maps of the subject properties,
3. Metes and bounds descriptions of the subject properties,
4. Title searches for the subject properties; and
5. Appraisals of the fair market value of the subject properties.

D. Makes technical and non-substantive changes.

Councilmember Elefante further moved that Resolution 16-213, CD1 be amended to the handcarried FD1 (OCS2016-1076/11/1/2016 4:08 PM). Seconded by Councilmember Anderson. The FD1 makes the following amendments:

- A. Amends the title and removes the contents of the current Resolution to change it from a condemnation resolution to a resolution urging the City Administration to conduct due diligence in preparation to acquire certain public streets in Kakaako.
- B. Makes technical and non-substantive changes.

The following individuals testified:

1. John Kobelansky (M-2632) (supports Councilmember Fukunaga's amendments)
2. Bob Emami (M-2633) (comments)

In response to questions from Councilmember Elefante regarding the handcarried FD1, Corporation Counsel Donna Leong, Department of the Corporation Counsel, stated that the Corporation Counsel had no legal concerns with the FD1.

In response to questions from Councilmembers Fukunaga and Anderson, Corporation Counsel Leong stated that she preferred to answer questions and advise the Council about the Resolution in Executive Session.

### **COMMITTEE OF THE WHOLE/EXECUTIVE SESSION**

At 11:43 a.m., Councilmember Fukunaga moved that pursuant to Council Rule 12A and the Hawaii Revised Statutes Section 92-4 and Section 92-5(a)(4), the Council resolve itself into a Committee of the Whole to consult with its attorneys in executive session on questions and issues pertaining to the Council's powers, duties, privileges, immunities and/or liabilities regarding Resolution 16-213. Seconded by Councilmember Menor and carried by the following vote.

The Council resolved into the Committee of the Whole.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        NONE.

### **RECESS/RECONVENE COUNCIL MEETING**

At 11:44 a.m., the Chair called for a recess for the Committee of the Whole to convene into Executive Session.

At 12:31 p.m., with 9 members present, Council Chair Martin reconvened the Council meeting.

The Chair announced that the motion on the floor is to amend to the handcarried FD1 (OCS2016-1076/11/1/2016 4:08 PM).

Resolution 16-213, CD1 failed to be amended to the FD1 (OCS2016-1076/11/1/2016 4:08 PM) due to lack of a majority vote.

AYES:        ELEFANTE, KOBAYASHI, MANAHAN, PINE – 4.  
NOES:        ANDERSON, FUKUNAGA, MENOR, OZAWA, MARTIN – 5.

The Chair stated that the motion now on the floor is to amend to the posted FD1.

Councilmember Elefante thanked the Councilmembers for considering the handcarried FD1. He spoke in opposition to amending to the posted FD1 mainly because of the legal concerns.

Resolution 16-213, CD1 was amended to FD1.

AYES:        ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,  
               PINE, MARTIN – 8.

NOES:        ELEFANTE – 1.

Committee Report 323 was adopted.

AYES:        ANDERSON\*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,  
               PINE, MARTIN – 8.

NOES:        ELEFANTE – 1.

\*Councilmember Anderson voted aye with reservations.

Resolution 16-213, CD1, FD1 was laid over and published, pursuant to the Revised Charter of the City and County of Honolulu 1973, as amended, Section 3-202.9.

Related communications:

D-733	Ryan Tam, Ala Moana/Kaka‘ako Neighborhood Board No. 11
M-2602	Steward M. Chong
M-2634	Clifford J. Garcia, Tropical Lamp & Shade Co. and Tropical Otto Parts
M-2635	Laurie Saffery, Discount Storage
M-2636	Wendy Arbeit

At this juncture, the Chair moved to page 14 of the agenda.

## **ADOPTION**

### **RESOLUTION 16-276, CD1 – COMMITTEE REPORT 335**

RESOLUTION APPROVING THE MARKETING OF THE PROPERTY KNOWN AS VARONA VILLAGE IN THE EWA VILLAGES, IDENTIFIED AS TAX MAP KEY (10) 9-1-017: 113 AND CONCURRING WITH THE ADMINISTRATION'S USE OF COMPETITIVE SEALED PROPOSALS TO SELECT THE POTENTIAL BUYER.

Councilmember Kobayashi moved that Committee Report 335 and Resolution 16-276, CD1 be adopted. Seconded by Councilmember Manahan.

The following individuals testified:

1. Amy Agbayani, Hawaii Filipino Advocacy Network (M-2603) (stand on written testimony)
2. Charlene Richardson, Varona Village Community Improvement Association (support)
3. Cesar Blue (comments)
4. Marilyn Valderama (M-2637) (support)
5. Zachary Muranaka, Voices of Varona Village (M-2638) (support)
6. Andria Tupola (support)

## **RECESS/RECONVENE**

At 12:39 p.m., Council Chair Martin called for a short recess requested by Councilmember Pine and reconvened the meeting at 12:40 p.m.

7. Michael Esquibil, Voices of Varona Village (M-2604) (support)
8. Agnes Malate, Ewa Clean and Green Patrol (M-2639) (support)
9. Juanito Valderama (comments)

Councilmember Pine expressed her gratitude to the Varona Village community, family and friends for attending the meeting to show their support for the measure. She also thanked Councilmember Menor and the Administration for their support and efforts in moving the measure forward. She looks forward to the next phase of the project.

In response to questions from Councilmember Menor regarding the Request For Proposal (RFP) process, Director Gary Nakata, Department of Community Services, stated that the RFP is now in its final review process and he hopes to issue out the RFP this week. Thereafter, the developer should be selected within 60 days. The Administration will present the winning proposal to the Council for approval and subsequently, meetings will be scheduled for the community to provide input and feedback.

Regarding the community's statement of goals and aspirations for the redevelopment, Director Nakata acknowledged that the Administration is amenable to including the statement as part of the RFP; however, the statement is still a work in progress with the community. Therefore, the Administration will forge ahead and expedite the RFP review process. As the redevelopment project progresses, the completed community statement will then be issued as part of an addendum.



Councilmember Menor spoke in strong support of the measure and pointed out that as a representative of the District, the redevelopment of Varona Village remained his top priority. He expressed his gratitude to the Councilmembers for their support and especially to Budget Chair Kobayashi and the Budget Committee for moving the measure out of Committee for adoption. He asked for the members continued support and approval.

Chair Martin thanked Councilmember Menor for all of his efforts on the measure.

Councilmember Elefante thanked the Varona Village community and their supporters for attending the meeting. He also thanked Councilmembers Pine and Menor and the Administration for all of their hard work in moving the measure forward.

Councilmember Elefante noted for the record that he would be filing a Disclosure of Interest Statement (CC-258) with the City Clerk's Office.

Committee Report 335 and Resolution 16-276, CD1 were adopted.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

Related communications:

M-2605	George Massengale, Hawaii Habitat for Humanity Association, Inc.
M-2606	Maryln Balala Clauseen, Voices of Varona Village
M-2607	Dom Agorilla
M-2608	Isabel Espejo, Voices of Varona Village
M-2609	Nennette Espejo Casino, Voices of Varona Village
M-2610	Mirasol Espejo
M-2611	Abelardo and Demetria Balala, Sr.
M-2613	Chelsea Ahsing
M-2614	Paris Keahi
M-2615	Sierra Comilang
M-2640	Skye Tabaranza
M-2641	Juliet Guzman
M-2642	Annabelle Espejo
M-2643	Charlene Cuaresma, National Federation of Filipino American Associations Region 12
M-2644	Jake Manegdeg, Filipino American Citizens League
M-2645	Beatrice Ramos-Razon, RN, FACDA, Nursing Advocates & Mentors, Inc.
M-2646	Crescencia (Cres) Malate

M-2647      Fely Doria  
M-2648      John Bond, Kanehili Cultural Hui

## **RECESS/RECONVENE**

At 12:57 p.m., the Chair called for a recess as noted on the agenda. With 7 members present (Excused: Anderson, Menor – 2), the Chair reconvened the meeting at 1:37 p.m.

## **ADOPTION**

### **RESOLUTION 16-268, CD1 – COMMITTEE REPORT 330**

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM HONOLULU ZOOLOGICAL SOCIETY AT THE HONOLULU ZOO WITH A VALUE OF \$75,434.48.

Councilmember Kobayashi moved that Committee Report 330 and Resolution 16-268, CD1 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 330 and Resolution 16-268, CD1 were adopted.

AYES:        ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, PINE,  
                 MARTIN – 7.  
NOES:        None.  
ABSENT:      ANDERSON, MENOR – 2.

## **ADOPTION**

### **RESOLUTION 16-274 – COMMITTEE REPORT 334**

RESOLUTION ACCEPTING A GIFT TO THE CITY AND COUNTY OF HONOLULU FROM THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN HONOLULU, FOR TRAVEL EXPENSES TO TAIWAN.

Councilmember Kobayashi moved that Committee Report 334 and Resolution 16-274 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 334 and Resolution 16-274 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, PINE,  
MARTIN – 7.  
NOES: None.  
ABSENT: ANDERSON, MENOR – 2.

**ADOPTION**

**RESOLUTION 16-219, CD1 – COMMITTEE REPORT 329**

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO EVALUATE THE CITY'S COMMUNITY FACILITIES DISTRICT ORDINANCE AND RECOMMEND AMENDMENTS TO FACILITATE THE FINANCING OF TRANSIT-RELATED IMPROVEMENTS THROUGH THE ESTABLISHMENT OF COMMUNITY FACILITIES DISTRICTS ALONG THE HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT ROUTE.

Councilmember Kobayashi moved that Committee Report 329 and Resolution 16-219, CD1 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 329 and Resolution 16-219, CD1 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, PINE,  
MARTIN – 7.  
NOES: None.  
ABSENT: ANDERSON, MENOR – 2.

**ADOPTION**

**RESOLUTION 16-270 – COMMITTEE REPORT 331**

RESOLUTION APPROVING THE GRANT OF EASEMENT 8 TO THE HAWAIIAN ELECTRIC COMPANY, INC. WITHIN A PORTION OF THE CITY'S ONEULA BEACH PARK, TMK: 9-1-134:006.

Councilmember Kobayashi moved that Committee Report 331 and Resolution 16-270 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 331 and Resolution 16-270 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, PINE,  
MARTIN – 7.  
NOES: None.  
ABSENT: ANDERSON, MENOR – 2.

**ADOPTION**

**RESOLUTION 16-271, CD1 – COMMITTEE REPORT 332**

RESOLUTION APPROVING THE REMOVAL OF RESTRICTIVE COVENANTS RELATING TO USE OF VARIOUS LANDS AT ALOHA STADIUM.

Councilmember Kobayashi moved that Committee Report 332 and Resolution 16-271, CD1 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 332 and Resolution 16-271, CD1 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, PINE,  
MARTIN – 7.  
NOES: None.  
ABSENT: ANDERSON, MENOR – 2.

Related communication:

MM-115 Roy K. Amemiya, Jr., Managing Director

**ADOPTION**

**RESOLUTION 16-272, CD1 – COMMITTEE REPORT 333**

RESOLUTION APPROVING THE REMOVAL OF RESTRICTIVE COVENANTS RELATING TO USE OF VARIOUS LANDS AT ALOHA STADIUM.

Councilmember Kobayashi moved that Committee Report 333 and Resolution 16-272, CD1 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 333 and Resolution 16-272, CD1 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, PINE, MARTIN – 7.

NOES: None.

ABSENT: ANDERSON, MENOR – 2.

Related communication:

MM-115 Roy K. Amemiya, Jr., Managing Director

(Note: Committee Report 335 and Resolution 16-276, CD1, were considered earlier in the meeting. See page 15.)

**ADOPTION**

**RESOLUTION 16-242, CD1 – COMMITTEE REPORT 338**

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT TO CONSTRUCT THREE TWO-STORY, TWO-FAMILY DWELLING UNITS, LANDSCAPING, SWIMMING POOLS, A ROCK OR CONCRETE MASONRY UNIT (CMU) WALL, AND GUEST PARKING AREAS WITHIN THE SMA, AND MINOR STRUCTURES WITHIN THE 40-FOOT SHORELINE SETBACK AREA.

Councilmember Ozawa moved that Committee Report 338 and Resolution 16-242, CD1 be adopted. Seconded by Councilmember Manahan.

The following individuals testified:

1. Joseph Correa III (M-2649) (Oppose)
2. Lucinda Pyles (M-2612) (Oppose)
3. Tom Rohr (Support)
4. Carolyn Ah Quin (Support)
5. Alan Arakawa, A&B Properties (General comment)

In response to councilmembers, Art Challacombe, Acting Director, Department of Planning and Permitting, stated that:

- ◆ There has always been sand erosion up and down the Kahala coast, as well as many other regions of Oahu, and it would not be appropriate to hold developments hostage because of the chronic erosion along Oahu's coastline.
- ◆ Under the SMA Permit conditions, the Applicant cannot build anything in the 40-foot shoreline setback area, and the Applicant has no plans to touch the setback area.
- ◆ From a Land Use Ordinance standpoint, the Applicant is not seeking any special considerations beyond the SMA, no special encroachment or additional height limit.
- ◆ The property is zoned R-7.5 Residential which allows single family residences and duplexes. While the existing zoning would allow up to eight dwellings, the Applicant is requesting six.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-246).

Councilmember Ozawa urged councilmembers to support Resolution 16-242, CD1. He stated that the minor structures requested in the SMA do not require a variance, and as noted by Vice-Chair Anderson, the project is in compliance with applicable ordinances. He explained that the SMA permit process is not the appropriate mechanism to address concerns of rising sea levels and global warming. He noted that he looks forward to seeing what Representative Bert Kobayashi proposes at the State Legislature, and working with legislators like Senator Laura Thielen on Coastal Zone Management legislation.

Councilmember Anderson spoke in support of Resolution 16-242, CD1. He reiterated Director Challacombe's statement that the project is being constructed within the confines of existing City ordinances, and within the limitations of the existing setback area. He stated that the Council should not prevent any landowner from developing their property within the confines of existing law. He recommended that concerned groups or

communities work with their representative councilmember to address any issues relating to existing City ordinances.

Committee Report 338 and Resolution 16-242, CD1 were adopted.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

Related communications:

M-2616       Leilani Maguire  
M-2650       Richard Turbin, Turbin Chu Heidt

#### **ADOPTION**

##### **RESOLUTION 16-265, CD1 – COMMITTEE REPORT 339**

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR THE KIHAPAI PLACE APARTMENT PROJECT.

Councilmember Ozawa moved that Committee Report 339 and Resolution 16-265, CD1 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

#### **RECESS/RECONVENE**

At 2:04 p.m., the Chair called for a short recess and reconvened the meeting at 2:05 p.m.

Committee Report 339 and Resolution 16-265, CD1 were adopted.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

Related communication:

M-2651 Calvin Hulihee

**ADOPTION**

**RESOLUTION 16-263, CD1 – COMMITTEE REPORT 340**

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION SERVICES (DTS) OF THE CITY AND COUNTY OF HONOLULU (CITY) AND THE STATE OF HAWAII DEPARTMENT OF TRANSPORTATION (HDOT) FOR A HIGHWAY SAFETY PROJECT REIMBURSEMENT GRANT PROMOTING PEDESTRIAN SAFETY IN THE CITY.

Councilmember Manahan moved that Committee Report 340 and Resolution 16-263, CD1 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 340 and Resolution 16-263, CD1 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-2617 Roy Nakamura

**ADOPTION**

**RESOLUTION 16-267 – COMMITTEE REPORT 341**

RESOLUTION APPROVING AMENDMENT TO THE CITY AND COUNTY OF HONOLULU'S LIST OF PROJECTS IN THE FEDERAL FISCAL YEARS 2015-2018 TRANSPORTATION IMPROVEMENT PROGRAM.

Councilmember Manahan moved that Committee Report 341 and Resolution 16-267 be adopted. Seconded by Councilmember Kobayashi.



There was no public testimony.

Committee Report 341 and Resolution 16-267 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
OZAWA, PINE, MARTIN – 9.  
NOES: None.

### **BALANCE OBalance of COMMITTEE REPORTS**

EMLACR-325 To request authorization to settle a case against the City and County of Honolulu entitled Keith Kato, Individually and as Personal Representative of the Estate of Barbara N. Kato and Kevin Y. Kato v. City and County of Honolulu, et al., Civil No. 15-1-0185-02 VLC.

BCR-336 Real property tax compromise to \$600 for Fiscal Year 2014-2015, Fiscal Year 2015-2016, and Fiscal Year 2016-2017, which represents the real property taxes due on the property located at 85-596 I Waianae Valley Road, identified by Tax Map Key 8-5-003-013. (D-682)

Councilmember Anderson moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Menor.

There was no public testimony.

The Balance of Committee Reports was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
OZAWA, PINE, MARTIN – 9.  
NOES: None.

## **UNFINISHED BUSINESS**

### **THIRD READING** **BILL 31, FD1**

A BILL FOR AN ORDINANCE RELATING TO INFRASTRUCTURE.

The following amendment was posted on the agenda:

Bill 31, CD1, Proposed FD1

Councilmember Anderson moved that Bill 31 pass third reading. Seconded by Councilmember Menor.

Councilmember Fukunaga moved that the Bill be amended to FD1. Seconded by Councilmember Anderson. The proposed FD1 makes the following amendment:

In subsection (e) on page 4 of the Bill, the phrase public facility improvements is changed to public facility or improvement.

There was no public testimony.

Bill 31 was amended to FD1.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

In response to Councilmember Fukunaga, Art Challacombe, Acting Director, Department of Planning and Permitting stated that the Department supports the Bill.

Councilmember Elefante spoke in opposition to Bill 31, FD1. He reiterated the following concerns that:

- ◆ The measure establishes a process in which all taxpayers pay the full cost of public infrastructure improvements when funds are appropriated by the Council in the annual budget.
- ◆ Improvement district requirements would be by-passed, requiring all taxpayers to bear the cost of the improvements with no direct contribution by the benefitted abutting property owners.

In response to Councilmember Elefante's concerns, Councilmember Fukunaga stated that the Administration agreed that the Bill focuses its scope primarily on public safety concerns in areas receiving heavy traffic, and proposed improvements that would benefit both pedestrians and area residents. For those reasons, she recommended support for Bill 31, FD1.

Bill 31, FD1 passed third reading.

AYES:        ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA,  
               PINE, MARTIN – 8.  
NOES:        ELEFANTE – 1.

## **NEW BUSINESS**

### **ADOPTION**

#### **RESOLUTION 16-262**

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU OR HIS AUTHORIZED REPRESENTATIVE TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS) FOR THE COLLECTION OF HYDROLOGIC DATA ON OAHU.

Resolution 16-262 was waived to the Council floor by the Chair of the Public Works, Infrastructure and Sustainability Committee.

Councilmember Anderson moved that Resolution 16-262 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Resolution 16-262 was adopted.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
               OZAWA, PINE, MARTIN - 9.  
NOES:        None.

Related communication:

CC-257 Councilmember Carol Fukunaga

**ADOPTION**  
**RESOLUTION 16-281**

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE NORTH SHORE CHAMBER OF COMMERCE.

Councilmember Anderson moved that Resolution 16-281 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Resolution 16-281 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
OZAWA, PINE, MARTIN - 9.  
NOES: None.

**ADOPTION**  
**RESOLUTION 16-288**

RESOLUTION RELATING TO THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) LEGISLATIVE PACKAGE.

Councilmember Anderson moved that Resolution 16-288 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Councilmember Elefante spoke in support of Resolution 16-288. He thanked Vice Chair Anderson and Council Liaison Brandon Mitsuda for their assistance in compiling the 2017 HSAC legislative package. He expressed his strong concern with respect to the last bullet on the first page which mentions a proposed bill to allow a representative of each county council to participate as a non-voting member in bargaining unit negotiations to allow each county council to receive updates on relevant bargaining unit negotiations and to change the allocation of votes for Bargaining Units 11 and 12.

Councilmember Anderson urged councilmembers to support Resolution 16-288. He explained that all four county councils must pass the legislative package in order for the package to be presented to the State Legislature. He thanked councilmembers who submitted proposals for inclusion in the HSAC package.

Resolution 16-288 was adopted.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN - 9.  
NOES:        None.

**APPROVAL**  
**COMMUNICATION M-2597**

FROM BRIAN HANCHETT, TRINITY MISSIONARY BAPTIST CHURCH, REQUESTING A 120-DAY EXTENSION OF TIME ON BILL 48, TO REZONE LAND SITUATED AT MOANALUA, OAHU, HAWAII.

Councilmember Anderson moved that Communication M-2597 be approved. Seconded by Councilmember Menor.

There was no public testimony.

Communication M-2597 was approved.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

**APPROVAL**  
**COMMUNICATION M-2598**

FROM CHRISTINA MALINS, HOLY FAMILY CATHOLIC ACADEMY, REQUESTING A 120-DAY EXTENSION OF TIME ON BILL 49, TO REZONE LAND SITUATED AT MOANALUA, OAHU, HAWAII.

Councilmember Anderson moved that Communication M-2598 be approved. Seconded by Councilmember Menor.

There was no public testimony.

Communication M-2598 was approved.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

**APPROVAL**  
**COMMUNICATION M-2599**

FROM WILLIAM WOOD, CHURCH OF CHRIST AT PEARL HARBOR, REQUESTING A 120-DAY EXTENSION OF TIME ON BILL 52, TO REZONE LAND SITUATED AT MOANALUA, OAHU, HAWAII.

Councilmember Anderson moved that Communication M-2599 be approved. Seconded by Councilmember Menor.

There was no public testimony.

Communication M-2599 was approved.

AYES:        ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,  
                  OZAWA, PINE, MARTIN – 9.  
NOES:        None.

**COMMITTEE OF THE WHOLE/EXECUTIVE SESSION**

There was no Executive Session item for action.

**ANNOUNCEMENTS**

Council Chair Martin reminded councilmembers that the December 7, 2016 meeting has been moved to Thursday, December 1, 2016.

Councilmember Anderson and Chair Martin extended best wishes to the three councilmembers up for re-election next week.

Council Chair Martin wished his eldest daughter, Mallory, happy birthday.

## ADJOURNMENT

At 2:18 p.m., Councilmember Anderson moved that the Council stand adjourned until Thursday, December 1, 2016, at 10 a.m. Seconded by Councilmember Menor and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,



GLENN I. TAKAHASHI  
City Clerk

po/vc

DATE APPROVED:

December 1, 2016